

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO: 09-210**

v.

*** SECTION: "F"**

CHAD CLARK

*** * ***

FACTUAL BASIS

Should this matter proceed to trial, the United States of America will prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

An FBI Confidential Source (CS) who has made drug purchases in the past initially purchased heroin from Chad Clark. The CS was then introduced to Clark's source- Donald Carter.

On January 23, 2009, the CS met with Clark at which time Clark gives the CS a small amount of heroin. The CS tells Clark that he is going to test it and will get back to him. Clark advised that he had to check with his supplier "Boss" to get some more heroin and that his supplier had just driven away in a black BMW. Clark further stated that his supplier had a federal crack cocaine conviction back in 1999.

The FBI field tested the substance and it tested positive for heroin. The CS then sends Clark a text message stating "OZ" referring to the ounce that he wished to purchase. The CS then meets with Clark and purchases approximately 28 grams from Chad Clark. During this meet, Clark talks about introducing the CS directly to "Boss" and asks the CS "do you know Don?"

The telephone calls setting up this deal are recorded and there is a body recording from the drug deal. During this meeting, Clark states "I can get as much of this shit as you want." Also, there was FBI surveillance on the scene during the drug deals between Clark and the CS. The heroin from this deal was field tested as positive for heroin and was also analyzed by the DEA laboratory. The substance weighed approximately 28 net grams and tested positive for heroin.

On January 24, 2009, Clark arranges a meeting between the CS and Clark's source of heroin supply- "Boss." During a call to "Boss", "Boss" advises that he has "5 cents [ounces]" left. The CS then met directly with "Boss" and Clark. During this meeting, the CS makes arrangements to purchase 2 and 1/4 ounces of heroin directly from "Boss." "Boss" is seen driving a black BMW with license plate number SJJ626. This vehicle is registered to Don E. Carter. The CS also positively identified a picture of Donald Ellery Carter as the individual with whom he had met and been introduced to as "Boss."

Later this same day, the CS meets with Carter again and purchases 2 and 1/4 ounces of heroin. There is a body recording of the drug deal and the telephone calls between Carter and the CS are recorded. After the drug deal, the CS misplaces a 1/4 ounce of heroin and calls Carter back to see if he "dropped the little one in your [Carter's] car." There are several phone calls back and forth regarding the missing drugs until the CS calls Carter and tells him that he found the bag that it had just fallen behind the seat. The drugs from this date were analyzed by the DEA lab and weighed 61 net grams and tested positive for heroin.

On April 27, 2009, the CS again meets with Carter to purchase heroin. The CS purchases 4 and 1/2 ounces of heroin from Carter on this date. There are telephone calls setting up the deal and body recordings from the deal. Also, FBI surveillance observed the deal between Carter and the CS. Following the drug deal, Carter called the CS and asked if "them people were following him."

Carter was referring to the FBI surveillance that he observed following the drug deal. The substance purchased by the CS was analyzed by the DEA lab and tested positive for heroin and weighed 124.5 net grams.

Clark specifically acknowledges that he has three prior drug felony convictions as follows:

on 6/13/91, Clark plead guilty to Possession of crack in Case No. 347-291 in Orleans Parish; on 6/22/93, Clark plead guilty to Possession of crack in Case No. 362-998 in Orleans Parish; and on 1/21/98, Clark plead guilty to Possession with intent to distribute Crack in Case No. 387-543 in Orleans Parish.

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Date

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Date

CHAD CLARK
Defendant

Date